

REMARKS/ARGUMENTS

Claims 1-14 are pending. By this Amendment, claims 1, 11 and 12 are amended. Support for the amendments to claims 1, 11 and 12 can be found, for example, in original claims 1, 11 and 12. No new matter is added. In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

Rejection Under 35 U.S.C. §112, First Paragraph

The Office Action rejects claims 1-14 under the enablement requirement of 35 U.S.C. §112, first paragraph. Applicants respectfully traverse the rejection.

The Office Action asserts that the recitation of "preventing" expression wrinkles in the present claims is not enabled by the present specification. *See* Office Action, page 3. While Applicants do not necessarily agree with this assertion, by this Amendment, the claims are amended to delete reference to "preventing," thus obviating the rejection.

For the foregoing reasons, claims 1-14 are fully enabled by the specification as filed. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Rejection Under 35 U.S.C. §102

The Office Action rejects claims 1-5 and 12-14 under 35 U.S.C. §102(b) over U.S. Patent No. 6,395,701 to Connor et al. ("Connor"). Applicants respectfully traverse the rejection.

Claim 1 recites "[a] process for smoothing out expression wrinkles and/or for relaxing the lines of the face, comprising topically applying a cosmetic composition to facial skin in need of such treatment, the cosmetic composition comprising, in a physiologically acceptable medium, a fragrancng composition comprising from 5% to 10% by weight of essential oils and from 90% to 95% by weight of a mixture comprising: (a) 10% to 15% by weight of

alcohols, (b) 10% to 15% by weight of aldehydes, (c) 25% to 30% by weight of esters, (d) 20% to 30% by weight of at least one compound selected from the group consisting of musks and ketones, and (e) 5% to 10% by weight of solvents" (emphasis added). Claim 12 recites "[a] process for smoothing out expression wrinkles and/or for relaxing the lines of the face, comprising topically applying a cosmetic composition to facial skin in need of such treatment, the cosmetic composition comprising, in a physiologically acceptable medium, a fragrancing composition comprising at least one essential oil and a mixture comprising: (a) at least one alcohol, (b) at least one aldehyde, (c) at least one ester, (d) at least one compound selected from the group consisting of musks and ketones, and (e) a solvent" (emphasis added). Connor does not disclose or suggest such processes.

The Office Action asserts that Connor discloses skin care compositions that may include alcohols, aldehydes, esters, ketones and solvents. *See* Office Action, page 6. Connor appears to disclose compositions that may include perfumes. *See, e.g., Connor*, column 77, line 28. Connor appears to further disclose that exemplary perfume components may include alcohols, aldehydes, esters, ketones, and essential oils. *See, e.g., Connor*, column 88, line 36 to column 89, line 65. However, Connor fails to disclose or suggest a fragrancing composition including the particular combination of components recited in claims 1 and 12, much less in the particular amounts of components recited in claim 1. While Connor discloses, in Examples, specific compositions that include perfumes (*see, e.g., Connor*, Examples XII and XIII), the composition of such perfumes is not indicated – there is no indication that the employed perfumes would have a composition corresponding to the fragrancing compositions recited in claims 1 and 12. Moreover, claims 1 and 12 are process claims, in which a cosmetic composition is applied to facial skin in need of treatment for expression wrinkles or lines. There is nothing in Connor suggesting that the perfumes disclosed therein could or should be applied to facial skin to achieve such effect.

The present inventors discovered that certain fragranting compositions can have the effect of relaxing certain striated muscles, which in turn induces relaxation of the muscles of the face to allow introduction of cosmetic compositions to combat expression wrinkles and lines. *See, e.g.*, present specification, page 4, line 25 to page 5, line 7. Connor does not disclose or suggest applying compositions as recited in claims 1 and 12, or recognize the benefits stemming therefrom.

As Connor fails to disclose or suggest applying a fragranting composition as recited in claims 1 and 12 to treat expression wrinkles or lines, Connor fails to disclose or suggest each and every feature of claims 1 and 12.

As explained, claims 1 and 12 are not anticipated by Connor. Claims 2-5, 13 and 14 depend variously from claims 1 and 12 and, thus, also are not anticipated by Connor. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Rejection Under 35 U.S.C. §103

The Office Action rejects claims 1-14 under 35 U.S.C. §103(a) over Connor in view of U.S. Patent No. 6,780,825 to Pterski et al. ("Pterski") and U.S. Patent No. 5,505,208 to Toomin et al. ("Toomin"). Applicants respectfully traverse the rejection.

For the reasons discussed above, Connor fails to disclose or suggest each and every feature of claims 1 and 12. Pterski and Toomin fail to remedy the deficiencies of Connor. Pterski is cited for its alleged disclosure of a cleansing composition having an aromatherapy component, including essential oils. *See* Office Action, pages 8 to 9. Toomin is cited for its alleged disclosure of measuring muscle activity. *See* Office Action, pages 9 to 10. However, Pterski and Toomin, like Connor, fail to disclose or suggest applying a topical composition including the particular combination of components recited in claims 1 and 12 to treat

expression wrinkles or lines. Accordingly, the combination of references fails to disclose or suggest each and every feature of claims 1 and 12.

Applicants further note that the compositions of Piterski are for treating infants and toddlers. See Piterski, column 1, lines 12 to 17. Such treatment does not involve treatment of wrinkles and lines. Moreover, there is nothing in Piterski that would suggest that the aromatherapy component employed in the disclosed compositions would have any effect in treatment of wrinkles and lines. With respect to Toomin, even though the measurement of back dysfunction is carried out (*see, e.g., Toomin*, Abstract), there is no indication in Toomin that there is any correlation between back muscle activity and wrinkles and lines. That is, there is nothing in Piterski and Toomin that would lead one of ordinary skill in the art to conclude that their respective teachings should be combined with the teachings of Connor, or that their respective teachings would have any applicability to treatment of wrinkles and lines, as provided in claims 1 and 12. A *prima facie* case of obviousness has not been made.

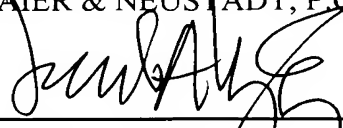
As explained, claims 1 and 12 would not have been rendered obvious by Connor, Piterski and Toomin. Claims 2-11, 13 and 14 depend variously from claims 1 and 12 and, thus, also would not have been rendered obvious by Connor, Piterski and Toomin. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Conclusion

For the foregoing reasons, Applicants submit that claims 1-14 are in condition for allowance. Prompt reconsideration and allowance are respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Richard L. Treanor
Attorney of Record
Registration No. 36,379

Jacob A. Doughty
Registration No. 46,671

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)